

# **Verge and Pavement Parking Policy Document – Localised Activation of the Unitary Wide Prohibition of Verge and Pavement Parking (Traffic Regulation Order)TRO**

## **1. Introduction**

There is a city wide prohibition of verge and pavement parking traffic regulation order which requires activation in localised areas before it can be enforced. The Council will only consider activating the order in the following circumstances:

1. 1.1 Evidence that it is desired by a sufficient number of affected residents. This process is outlined in section 2.
2. 1.2 If a request is received from the emergency services to ban verge and pavement parking as it is hindering their emergency vehicle access or dangerously obstructing the view from a junction.
3. 1.3 If the location is being used to park vehicles for sale, advertising purposes or other nuisance and there are no residents likely to be affected.
4. 1.4 Following a request from the local highways inspector where the verge or pavement is being damaged such that it represents a health and safety concern and/or where a significant cost will be incurred to carry out repairs.
5. 1.5 Where budget provision is available for the works required.

Information about the scheme and requests for it to be activated can be made via the council's website or by emailing [vergeparking@peterborough.gov.uk](mailto:vergeparking@peterborough.gov.uk).

## **2. Consulting Local Residents**

The Council requires evidence that the prohibition of verge and pavement parking TRO is desired by a sufficient number of affected residents before it will consider activating at a local level. Therefore the lead resident or Ward Councillor who contacts the Council to request the activation of the scheme in any area will be asked to mobilise their neighbours and demonstrate that they have gathered support from other local residents, and that it is not an isolated request.

This can be in the form of all residents individually writing to the Council, or usually more conveniently, the lead resident organising a 'petition' requesting the introduction of a scheme. This document needs to show the names and addresses of all supporting residents, and their signature. Although never ideal (due to obstruction of wheelchair and pushchair users, damage to verges and kerbs, and sometimes underground utilities) in some areas allowing verge and pavement parking is a better alternative than no parking, therefore residents may not always support a ban.

The Council will seek the approval of the Cabinet Member responsible for Communities and Environment Capital and also comments from the relevant Ward Members before proceeding to the next stage.

On receipt of this, assuming there is sufficient support relative to the size of the street, the Council will hold an informal (not legally required) consultation with residents of the street/area that have asked for the scheme. The Council will consider whether it is appropriate to consult with residents of the surrounding area also.

This involves sending a standard document package (letter, short questionnaire and sometimes plans) to the residents explaining the advantages and disadvantages of activating the prohibition of verge and pavement parking TRO. An online option is usually provided. Usually, 6 weeks are allowed for responses.

The Council will only proceed to activation if a response rate of 40% of properties affected or above is achieved, and that the majority of those properties that have responded are in support of the introduction of a verge and pavement parking ban for their area.

There is no requirement to undertake a further round of statutory consultation as the TRO has already been drafted to cover all of the Peterborough City Council area.

Subject to the outcome of the informal consultation process, a prohibition of verge and pavement parking scheme can then be activated, subject to budget being available. The Council reserve the right to determine not to bring any scheme into effect, notwithstanding local support for the proposal, where it is satisfied that bringing the scheme into effect would have a detrimental impact on the use of the highway network in the vicinity of the proposed scheme e.g. displacement of parking to the road resulting in obstructions or to surrounding streets.

The Council shall have due regard to the provisions of the Equality Act 2011 or any legislation passed in substitution therefor, when taking decisions under its statutory powers and duties.

### **3. Activating the Scheme**

Once an area is designated for activation the area will be signed in accordance with legal requirements and 'soft' enforcement will commence from the implementation date for a 2 week period. The implementation date will be the date on which signage is erected. This will involve warning notices being issued to vehicles parked in contravention of the verge parking prohibition. After the 2 week warning period any vehicles found to be parked in contravention will be liable for a penalty charge notice.

Areas where the ban has been activated will be published on the Council website.

### **4. Enforcement**

Enforcement will be conducted by Prevention and Enforcement Officers with the power to enforce civil parking contraventions under the Traffic Management Act 2004. Random checks will be conducted on activated areas as part of a normal patrol of the area, as and when resources allow. There is no commitment from the Council to operate a 'rapid response' to calls reporting breaches of the ban but will consider changes to patrol patterns in order to tackle persistent offenders.

### **5. Time frames and repeat requests for activation.**

The process from request to implementation takes about 4 months, which includes the consultation time-frames and statutory time-frames. If a consultation achieves a negative response, it will not be repeated for a minimum of 2 years.